REMARKS

AMENDMENTS

Applicants cancel claims 13, 19, 21, 24, 27, 38, and 42-54 herein, and respectfully request that new claims 55-72 be entered and examined in their stead. No new matter is introduced by these amendments.

CLAIM OBJECTIONS & REJECTION UNDER 35 USC §101

Applicants submit that the above-indicated amendments remove the basis for objection or rejection of claims 13, 24 and 49.

REJECTION UNDER 35 USC §103

The examiner has rejected claims 13, 19, 21, 24, 27, 38 and 42-54 under 35 USC §103(a) as obvious over Bronsert et al. (DE 196 12 769 A1) in view of Koksbang et al. (US 5,340,368) and Williams (US 5,523,118). Applicants address the rejection as if applied to new claims 55-72, and respectfully traverse the same.

The present rejection should not be maintained, as the primary reference cited is not available as prior art against the present invention. The references utilized in a 35 USC §103(a) obviousness rejection must be available as prior art under a subsection of 35 USC §102. In particular, for §102(a), the reference must have been published or patented prior to the relevant date of invention. Bronsert et al. has a publication date of October 2, 1997, and the present priority document was given a filing date of October 9, 1997, seven days later. The proximity of these dates suggests that invention of the

present subject matter was accomplished prior to publication of the Bronsert reference. Accordingly, Bronsert is not available as prior art under any subsection of 35 USC §102, and cannot be applied under 35 USC §103(a).

Applicants respectfully request that the obviousness rejection be withdrawn and remain withdrawn with respect to the present claims.

DOUBLE PATENTING REJECTION

The examiner has further rejected claims 13, 19, 21, 24, 27, 38 and 42-54 under the judicially created doctrine of obviousness-type double patenting. This rejection is also traversed as it may be applied to new claims 55-72. In particular, as the present application is not obvious over the priority documents from which Bronsert et al. (US 6,416,905) stem, the application cannot, therefore, be obvious over the disclosure of that US patent. Accordingly, applicants respectfully request that the rejection for obviousness-type double patenting be withdrawn and not extended to the new claims.

CONCLUSION

In view of the foregoing amendments and remarks, applicants consider that the rejections of record have been obviated and respectfully solicit passage of the application to issue.

Please find attached a check for $420.00 for a 2 month extension of time.

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Respectfully submitted,
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